

AMENDED IN ASSEMBLY APRIL 22, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 518

Introduced by Assembly Member Mendoza
(Coauthors: Assembly Members Ammiano and Torlakson)

February 24, 2009

An act to amend Sections 52055.51 and 52055.57 ~~of~~ *of*, and to add Section 52055.57.1 to, the Education Code, relating to public school accountability.

LEGISLATIVE COUNSEL'S DIGEST

AB 518, as amended, Mendoza. Public School Performance Accountability Program.

(1) Existing law establishes the Immediate Intervention/Underperforming Schools Program, a part of the Public Schools Performance Accountability Program, for schools that have not met adequate yearly progress and Academic Performance Index (API) growth targets, as established by the State Board of Education. Existing law requires the Superintendent of Public Instruction to take certain actions when a school does not meet those targets, and also authorizes the Superintendent to require a school district to enter into a contract with a school assistance and intervention team.

This bill would require that the members of a school assistance and intervention team, that contracts with a school district in which one or more numerically significant pupil subgroups, as defined, did not meet those targets, possess specified certification and experience in meeting the needs of those pupil subgroups, and to use procedures and tools developed specifically for those pupil subgroups.

(2) Existing law requires the school assistance and intervention team to complete a report that includes recommendations for corrective actions, as specified.

This bill would require the school assistance and intervention team, in developing recommendations for corrective actions, to ensure that pupils have access to all core subjects, to ensure parental involvement *and community involvement*, and to include additional recommendations if alternative programs are the reason for program improvement status.

(3) Existing law requires a local educational agency identified as a program improvement local educational agency under the federal No Child Left Behind Act of 2001 to take a self-assessment provided by the department.

This bill would require, if a local educational agency is identified as a program improvement local educational agency because of the failure of one or more pupil subgroups to meet adequate yearly progress and API growth targets, that the State Department of Education provide self-assessment materials and criteria specifically for language and content instruction. ~~The bill would require recommendations resulting from the self-assessment to ensure that pupils have access to all core subjects and to ensure parental involvement, and would also require the school and district assistance and intervention teams to provide specified recommendations if alternative programs are the reason for program improvement status.~~

This bill would require the district assistance and intervention team, in developing recommendations for corrective actions, to ensure that pupils have access to all core subjects, to ensure parental involvement and community involvement, and to include additional recommendations if alternative programs are the reason for program improvement status.

The bill would require that the members of a district assistance and intervention team, contracting with a local educational agency identified as a program improvement local educational agency in which one or more pupil subgroups did not meet adequate yearly progress and API growth targets, possess specified certification and experience in meeting the curriculum and instructional needs of the pupil subgroups, as specified.

~~The bill would require the Superintendent of Public Instruction to include certain elements within the standards and criteria to be applied by a district assistance and intervention team, no later than January 31, 2011.~~

This bill would provide that the additional requirements imposed by its provisions would only apply to school assistance and intervention teams, as specified, that were established on or after January 1, 2010.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 52055.51 of the Education Code is
2 amended to read:

3 52055.51. (a) Instead of the actions specified in subdivision
4 (b) of Section 52055.5, and notwithstanding any other law, the
5 Superintendent, with the approval of the state board, may require
6 the school district to enter into a contract with a school assistance
7 and intervention team no later than 30 days after the public release
8 of the school's growth in API results, or the next regularly
9 scheduled meeting of the state board following the expiration of
10 the 30 days if meeting the 30-day time limit would not provide the
11 state board with sufficient time to comply with the requirements
12 of the Bagley-Keene Open Meeting Act (Article 9 (commencing
13 with Section 11120) of Chapter 1 of Division 3 of Title 2 of the
14 Government Code). If the state board approves, the governing
15 board of the school district may retain its legal rights, duties, and
16 responsibilities with respect to that school.

17 (b) (1) School assistance and intervention team members should
18 possess a high degree of knowledge and skills in school leadership,
19 curriculum, and instruction aligned to state academic content and
20 performance standards, classroom management and discipline,
21 academic assessment, parent-school relations, and evaluation and
22 research-based reform strategies and have proven successful
23 expertise specific to the challenges inherent in state-monitored
24 schools.

25 (2) A school assistance and intervention team contracting with
26 a school in which one or more numerically significant pupil
27 subgroups, as described in paragraphs (2) and (3) of subdivision
28 (a) of Section 52052, did not meet adequate yearly progress or
29 API growth targets shall include members who possess a high
30 degree of knowledge, skills, and expertise in meeting the
31 curriculum and instructional needs of the pupil subgroups
32 including, but not limited to, knowledge, skills, and expertise

1 specific to first- and second-language English acquisition, English
2 development, and instructional strategies specific to the pupil
3 subgroup.

4 (3) For purposes of paragraph (2), a “high degree of knowledge,
5 skills, and expertise” means a certification or advanced degree
6 relating to the pupil subparagraph described in paragraph (2) of
7 subdivision (a) of Section 52052, and either of the following:

8 (A) At least five years of experience working directly with pupil
9 subgroups.

10 (B) Experience as a provider of professional development,
11 demonstrated through having written or published articles on
12 instruction and programs for pupil subgroups.

13 (c) Once every two years, the Superintendent shall establish a
14 list of approved school assistance and intervention teams with
15 which a school district may contract. The list shall be based on
16 criteria recommended by the Superintendent and adopted by the
17 state board. After the two-year approval period expires, a team
18 may reapply for approval by demonstrating the effectiveness of
19 the team’s work in state-monitored schools.

20 (d) (1) A school assistance and intervention team shall provide
21 intensive support and expertise to implement the school reform
22 initiatives in the plan. Decisions about interventions shall be data
23 driven. A school assistance and intervention team shall work with
24 school staff, site planning teams, administrators, and school district
25 staff to improve pupil literacy and achievement by assessing the
26 degree of implementation of the current action plan, refining and
27 revising the action plan, and making recommendations to maximize
28 the use of fiscal resources and personnel in achieving the plan
29 goals.

30 (2) The school district shall provide support and assistance to
31 enhance the team’s work at the targeted schoolsites. A school
32 assistance and intervention team providing support and expertise
33 to schools in which one or more of the numerically significant
34 pupil subgroups have failed to meet the adequate yearly progress
35 and API growth targets shall use procedures and tools developed
36 specifically for the improvement of language and content
37 instruction for those pupil subgroups. Priority shall be given to
38 using existing tools that are appropriate for these pupil subgroups.

39 (e) Not later than 60 days after the assignment of a school
40 assistance and intervention team, the team shall complete a report.

1 The report shall include recommendations for corrective actions
2 chosen from a range of interventions, including the reallocation
3 of school district fiscal resources to ensure that appropriate
4 resources target the specific interventions identified in the team's
5 recommendations for the targeted schools, and other changes
6 deemed appropriate to make progress toward meeting the school's
7 growth target. In developing recommendations for corrective
8 actions, a school assistance and intervention team shall ensure that
9 pupils have access to all core subjects including, but not limited
10 to, reading, language arts, and mathematics. A school assistance
11 and intervention team also shall ensure parental involvement
12 pursuant to the federal No Child Left Behind Act of 2001 (20
13 U.S.C. Sec. 6301 et seq.) and Chapter 16 (commencing with
14 Section 11500) of Part 7 of Division 7 of Title 1, *and community*
15 *involvement*. If alternative programs are the reason for program
16 involvement status, the school assistance and intervention ~~teams~~
17 ~~and district assistance and intervention teams~~ *team* shall provide
18 recommendations to improve these programs and move the school
19 or district out of program improvement.

20 (f) Not later than 90 days after assignment of the school
21 assistance and intervention team, the governing board of the school
22 district shall adopt the team's initial recommendations at a regularly
23 scheduled meeting of the governing board. A subsequent
24 recommendation proposed by the school assistance and intervention
25 team shall be submitted to the governing board and shall be adopted
26 by the governing board within 30 days of the submission. The
27 governing board shall not place the adoption on the consent
28 calendar. A recommendation adopted by the governing board shall
29 be submitted to the Superintendent and the state board.

30 (g) Following the adoption of the recommendation by the
31 governing board, the governing board may submit an appeal to
32 the Superintendent for relief from one or more of the
33 recommendations. The Superintendent, with approval of the state
34 board, may grant relief from compliance with a recommendation.

35 (h) If a school assistance and intervention team does not fulfill
36 its obligations under this section, the governing board of the school
37 district may seek permission from the Superintendent, with the
38 approval of the state board, to contract with a different school
39 assistance and intervention team. Upon a finding that the school
40 assistance and intervention team has not fulfilled its obligations

1 under this section, the Superintendent, with the approval of the
2 state board, may remove the school assistance and intervention
3 team from the list of approved providers.

4 (i) No less than three times during the year, the school district
5 and schoolsite shall present the team with data regarding progress
6 toward the goals established by the initial assessment of the team.
7 The data shall be presented to the governing board of the school
8 district at a regularly scheduled meeting. The team shall, to the
9 extent possible, utilize existing site data. The data also shall be
10 provided to the Superintendent and the state board. Every effort
11 shall be made to report this data in a manner that minimizes the
12 length and complexity of the reporting requirement in order to
13 maximize the focus on improving pupil literacy and achievement.

14 (j) An action taken pursuant to this section may not increase
15 local costs or require reimbursement as determined by the
16 Commission on State Mandates.

17 SEC. 2. Section 52055.57 of the Education Code is amended
18 to read:

19 52055.57. (a) (1) Provisions that are applicable to local
20 educational agencies under this section are for the purpose of
21 implementing federal requirements under the federal No Child
22 Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.). The
23 satisfaction of these criteria by local educational agencies that
24 choose to participate under this article shall be a condition of
25 receiving funds pursuant to this section.

26 (2) The department shall identify local educational agencies
27 that are in danger of being identified within two years as program
28 improvement local educational agencies under the federal No Child
29 Left Behind Act of 2001, and shall notify those local educational
30 agencies, in writing, of this status and provide those local
31 educational agencies with research-based criteria to conduct a
32 voluntary self-assessment.

33 (3) The self-assessment shall identify deficiencies within the
34 operations of the local educational agency, and the programs and
35 services of the local educational agency.

36 (4) A local educational agency identified pursuant to paragraph
37 (2) is encouraged to revise its local educational agency plan based
38 on the results of the self-assessment.

39 (5) The program described in this subdivision shall be referred
40 to as the “Early Warning Program.”

(b) (1) A local educational agency identified as a program improvement local educational agency under the federal No Child Left Behind Act of 2001 shall do all of the following:

(A) Conduct a self-assessment using materials and criteria based on current research that is developed, used, and provided by the department. If the local educational agency's status as a program improvement school resulted from the failure of one or more pupil subgroups to meet adequate yearly progress and API growth targets, the department shall provide self-assessment materials and criteria specifically for language and content instruction. Procedures and tools specifically for the improvement of language and content instruction for those pupil subgroups shall be developed, used, and provided by the department. Priority shall be given to using existing tools that are appropriate for these pupil and criteria specific to the pupil subgroups.

(B) No later than 90 days after a local educational agency is identified for program improvement, contract with a county office of education or another external entity after working with the county superintendent of schools, for both of the following purposes:

(i) Verifying the fundamental teaching and learning needs in the schools of that local educational agency as determined by the local educational agency self-analysis, and identifying the specific academic problems of low-achieving pupils, including a determination of why the prior plan of the local educational agency failed to bring about increased pupil academic achievement.

(ii) Ensuring that the local educational agency receives intensive support and expertise to implement local educational agency reform initiatives in the revised local educational agency plan as required by the federal No Child Left Behind Act of 2001.

(C) Revise and expeditiously implement the local educational agency plan to reflect the findings of the verified self-assessment. ~~Recommendations resulting from the self-assessment described in subparagraphs (A) and (B)~~ *In developing recommendations for corrective actions, a district assistance and intervention team* shall ensure that pupils have access to all core subjects, including, but not limited to, reading, language arts, and mathematics. ~~Recommendations~~ *A district assistance and intervention team* also shall ensure parental involvement pursuant to the federal No Child Left Behind Act of 2001 and Chapter 16 (commencing with Section

1 11500) of Part 7 of Division 7 of Title ~~4~~ *I, and community*
2 *involvement*. If alternative programs are the reason for program
3 improvement status, the ~~school and~~ district assistance and
4 intervention ~~teams~~ *team* shall provide recommendations to improve
5 these programs and *to move the school or* district out of program
6 improvement.

7 *(D) A district assistance and intervention team providing support*
8 *and expertise to schools in which one or more of the numerically*
9 *significant pupil subgroups have failed to meet the adequate yearly*
10 *progress and API growth targets shall use procedures and tools*
11 *developed specifically for the improvement of language and content*
12 *instruction for those pupil subgroups. Priority shall be given to*
13 *using existing tools that are appropriate for these pupil subgroups.*

14 ~~(D)~~

15 *(E) After working with the county superintendent of schools or*
16 *an external verifier, contract with an external provider to provide*
17 *support and implement recommendations to assist the local*
18 *educational agency in resolving shortcomings identified in the*
19 *verified self-assessment.*

20 (2) (A) Subject to the availability of funds in the annual Budget
21 Act for this purpose, a local educational agency described in
22 paragraph (1) annually may receive fifty thousand dollars
23 (\$50,000), plus ten thousand dollars (\$10,000) for each school that
24 is supported by federal funds pursuant to Title I of the federal No
25 Child Left Behind Act of 2001 within the local educational agency,
26 for the purpose of fulfilling the requirements of this subdivision.
27 If funding is not provided in the annual Budget Act or other statute,
28 local educational agencies shall not be subject to the requirements
29 of subparagraphs (B) and (D) of paragraph (1).

30 (B) Subject to the availability of funds appropriated in the annual
31 Budget Act for this purpose, a local educational agency identified
32 as a program improvement local educational agency during the
33 2005–06 fiscal year, shall receive priority for funding based upon
34 the performance of the socioeconomically disadvantaged subgroup
35 of the local educational agency on the Academic Performance
36 Index. Priority for funding shall be provided to the lowest
37 performing local educational agencies that are identified as program
38 improvement local educational agencies. It is the intent of the
39 Legislature that funds apportioned pursuant to this paragraph be
40 used to support activities identified in paragraph (1).

1 (C) It is the intent of the Legislature that a local educational
2 agency identified as a program improvement local educational
3 agency receive no more than two years of funding pursuant to this
4 paragraph.

5 (c) A local educational agency that has been identified for
6 corrective action under the federal No Child Left Behind Act of
7 2001 shall be subject to one or more of the following sanctions as
8 recommended by the Superintendent and approved by the state
9 board:

10 (1) Replacing local educational agency personnel who are
11 relevant to the failure to make adequate yearly progress.

12 (2) Removing schools from the jurisdiction of the local
13 educational agency and establishing alternative arrangements for
14 the governance and supervision of those schools.

15 (3) Appointing, by the state board, a receiver or trustee, to
16 administer the affairs of the local educational agency in place of
17 the county superintendent of schools and the governing board.

18 (4) Abolishing or restructuring the local educational agency.

19 (5) Authorizing pupils to transfer from a school operated by the
20 local educational agency to a higher performing school operated
21 by another local educational agency, and providing those pupils
22 with transportation to those schools, in conjunction with carrying
23 out not less than one additional action described under this
24 paragraph.

25 (6) Instituting and fully implementing a new curriculum that is
26 based on state academic content and achievement standards,
27 including providing appropriate professional development based
28 on scientifically based research for all relevant staff, that offers
29 substantial promise of improving educational achievement for
30 high-priority pupils.

31 (7) Deferring programmatic funds or reducing administrative
32 funds.

33 (d) (1) The department shall develop, and the state board shall
34 approve at a public meeting, objective criteria by which a local
35 educational agency identified for corrective action and subject to
36 a sanction listed under subdivision (c) shall be evaluated to
37 determine the pervasiveness and severity of its performance
38 problems and the sanction to be imposed.

39 (2) A local educational agency identified for corrective action
40 and subject to a sanction listed under subdivision (c) may apply

1 for a one-year, nonrenewable grant of federal improvement funding
2 to assist in its improvement process and may expend that grant
3 funding over the time period allowable under federal law. It is the
4 intent of the Legislature to integrate federal funding that is available
5 for this purpose, including, but not limited to, funding for program
6 improvement and school improvement grants pursuant to Section
7 6303 of Title 20 of the United States Code.

8 (3) The amount of a grant for a local educational agency with
9 extensive and severe performance problems shall be one hundred
10 fifty thousand dollars (\$150,000) per school identified for program
11 improvement pursuant to federal law. The amount of a grant for
12 a local educational agency with moderate performance problems
13 shall be one hundred thousand dollars (\$100,000) per school
14 identified for program improvement pursuant to federal law. The
15 amount of a grant for a local educational agency with minor or
16 isolated performance problems shall be fifty thousand dollars
17 (\$50,000) per school identified for program improvement pursuant
18 to federal law.

19 (4) A local educational agency that receives funding under this
20 subdivision shall use the funds in accordance with Section 6316(b)
21 and (c) of Title 20 of the United States Code. Pursuant to the
22 technical assistance requirements under the federal No Child Left
23 Behind Act of 2001 outlined in Section 6312(b) and (c) and Section
24 6317 of Title 20 of the United States Code, the Superintendent
25 may recommend, and the state board may approve, that a local
26 educational agency contract with a district assistance and
27 intervention team or other technical assistance provider to receive
28 guidance, support, and technical assistance. A district intervention
29 and assistance team or other technical provider with which a local
30 educational agency is required to contract shall perform the duties
31 specified in subdivision (e) of Section 52059.

32 (5) (A) Notwithstanding any other law, a local educational
33 agency that receives funding under this subdivision or that receives
34 other federal funds for school improvement shall not use those
35 funds to compensate a receiver or trustee assigned by the state
36 board pursuant to paragraph (3) of subdivision (c).

37 (B) A district assistance and intervention team contracting with
38 a local educational agency pursuant to this section in which one
39 or more pupil subgroups as described in paragraphs (2) and (3) of
40 subdivision (a) of Section 52052 did not meet adequate yearly

1 progress and API targets shall include members who possess a
2 high degree of knowledge, skills, and expertise in meeting the
3 curriculum and instructional needs of the pupil subgroups
4 including, but not limited to, knowledge, skills, and expertise
5 specific to first- and second-language English acquisition, English
6 development, and instructional strategies specific to the pupil
7 subgroup.

8 ~~(C) For members of a district assistance and intervention team;~~

9 *(C) For purposes of subparagraph (B),* a “high degree of
10 knowledge” means possessing certification or an advanced degree
11 relating to pupil subgroups described in paragraph (2) of
12 subdivision (a) of Section 52052, and either of the following:

13 (i) At least five years of experience working directly with pupil
14 subgroups.

15 (ii) Experience as a provider of professional development,
16 demonstrated through having written or published articles on
17 instruction and programs for pupil subgroups.

18 (e) A local educational agency that has received a sanction under
19 subdivision (c) and has not exited program improvement under
20 the federal No Child Left Behind Act of 2001 shall appear before
21 the state board within three years to review the progress of the
22 local educational agency. Upon hearing testimony and reviewing
23 written data from the local educational agency, the district
24 assistance and intervention team, or county superintendent of
25 schools, the Superintendent shall recommend, and the state board
26 may approve, an alternative sanction under subdivision (c), or may
27 take any appropriate action.

28 (f) Subject to the availability of funds in the annual Budget Act
29 for this purpose, a local educational agency that is not identified
30 as a program improvement local educational agency under the
31 federal No Child Left Behind Act of 2001 may annually receive
32 up to fifteen thousand dollars (\$15,000) per school identified as a
33 program improvement school for the purposes of supporting
34 schools identified as program improvement schools in the local
35 educational agency and determining barriers to improved pupil
36 academic achievement. That local educational agency shall receive
37 no less than forty thousand dollars (\$40,000) and no more than
38 one million five hundred thousand dollars (\$1,500,000) for those
39 purposes. The Superintendent shall compile a list that ranks each
40 local educational agency based on the number of, and percentage

1 of, schools identified as program improvement schools and shall
2 provide this funding to local educational agencies equally from
3 each list until all funds appropriated for this purpose are depleted.
4 These funds shall be provided for no more than three years.

5 (g) For purposes of this article, “local educational agency”
6 means a school district, county office of education, or charter
7 school that elects to receive its funding directly pursuant to Section
8 47651, and that provides public educational services to pupils in
9 kindergarten or any of grades 1 to 12, inclusive.

10 ~~(h) Not later than January 31, 2011, the Superintendent shall~~
11 ~~include all of the following within the standards and criteria to be~~
12 ~~applied by a district assistance and intervention team in carrying~~
13 ~~out its duties:~~

14 ~~(1) Governance.~~

15 ~~(2) Alignment of curriculum, instruction, and assessments to~~
16 ~~state standards.~~

17 ~~(3) Human resources.~~

18 ~~(4) Data systems and achievement monitoring.~~

19 ~~(5) Professional development.~~

20 ~~(6) Parental involvement pursuant to the federal No Child Left~~
21 ~~Behind Act of 2001.~~

22 ~~(7) Community involvement.~~

23 ~~(8) Access to core subjects, including, but not limited to, reading,~~
24 ~~language arts, and mathematics. If alternative programs are the~~
25 ~~reason for program improvement status, the school assistance and~~
26 ~~intervention teams and district assistance and intervention teams~~
27 ~~shall provide recommendations to improve these programs and~~
28 ~~move the school or school district out of program improvement.~~

29 *SEC. 3. Section 52055.57.1 is added to the Education Code,*
30 *immediately following Section 52055.57, to read:*

31 *52055.57.1. The requirements added to Sections 52055.51 and*
32 *52055.57 by the act that added this section shall apply only to*
33 *school assistance and intervention teams established pursuant to*
34 *Section 52055.51 and district assistance and intervention teams*
35 *established pursuant to Section 52055.57, established on or after*
36 *January 1, 2010.*

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CORRECTIONS:
Text—Pages 3 and 8.

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